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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

FLORICEL LIBORIO RAMOS,  
MARIA DE JESÚS MEDINA RAMIREZ,  
MARIA VALDOVINOS DIAZ,  
YOLANDA VALLEJO MEDRANO,

Plaintiffs,

v.

G4S SECURE SOLUTIONS (USA), INC.,

Defendant.

Case No. 3:19-cv-2757

**REPLY IN SUPPORT OF MOTION FOR  
RELATED CASE PURSUANT TO CIVIL  
L.R. 3-12 TO BE FILED IN CASE NO. 3:18-  
CV-04105; ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES  
SHOULD BE RELATED PURSUANT TO  
CIVIL L.R. 7-11**

Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United State District Court for the Northern District of California, G4S SECURE SOLUTIONS (USA), INC. (“G4S”) submits this Reply in Support of this Administrative Motion to Consider Whether Cases Should Be Related.

**I. G4S CONSENTS TO MAGISTRATE JUDGE LAUREL BEELER GIVEN THE COURT’S SIGNIFICANT INVESTMENT OF JUDICIAL RESOURCES TO DATE**

In response to G4S’s motion, American Civil Liberties Union of Northern California (“ACLU-NC” or “Plaintiff”) explained that “the FOIA Action should remain with Judge Beeler

given the Court’s significant investment of judicial resources in the FOIA Action to date.” (Docket #39, 2:3-4). G4S agrees with this argument.

ACLU-NC further notes that “Plaintiff thus opposes any relation of the FOIA Action and the Ramos Action that would result in the FOIA Action being reassigned to a different judge, which would be the case if the cases are related given that G4S has declined magistrate judge jurisdiction in the Ramos Action. The parties in this action consented to Judge Beeler, and G4S, a third party in an unrelated action, should not be permitted to undo the parties’ consent. However, Plaintiff would not oppose relation of the two actions if G4S is willing to consent to Judge Beeler’s jurisdiction in the Ramos Action.” (Docket #39, 2:5-10.) G4S agrees with this argument as well.

Defendant G4S submits to jurisdiction of Magistrate Judge Laurel Beeler for all purposes.

## II. “RELATEDNESS” IS NOT A HIGH THRESHOLD UNDER RULE 3-12

Moving party G4S brought the motion on the basis that the parties are substantially the same, and for the simple proposition that there is a common question of fact and law, specifically whether “*the U.S. Department of Homeland Security, Immigration and Customs Enforcement agency asserts any privilege, defense or immunity to the G4S contracts, or other evidence in the FOIA case, that should be followed in the Ramos Action.*” (Docket #37, 2:23-26).

No authority is cited by any party for perfect alignment of parties or legal theories. Instead, the Rule requires satisfaction of much less—only two elements:

### 3-12. Related Cases

(1) The actions concern substantially the same parties, property, transaction or event;  
and

(2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.

Subpart (1) is met here, because the parties do not have to be identical to be substantially the same. Here, ACLU-NC is the plaintiff in the FOIA Action, and the same attorneys represents the plaintiffs in the Ramos tort-action. That July 2017 incident in the Ramos Action is also described in

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in the FOIA Action at paragraph 17—which is not denied by the ACLU—an effective concession that the matters are indeed factually related.

Further, the ICE contracts which are the subject (in part) of the FOIA action are alleged to be contracts governing the ICE/G4S contractual relationship existing during the torts alleged in the Ramos Action. Therefore, we have common parties, transactions and events, which adequately satisfies the Rule. No reference is made within Rule 3-12 to common causes of action—meaning that the distinction of the Ramos Action as a tort claim, and the FOIA Action as a contested records request under the applicable statutes and case law for Freedom of Information Act requests—is simply immaterial.

3-12 subpart (2) is met here, because the Honorable Laurel Beeler’s investment of time in reviewing the FOIA action over the last year can and should be leveraged as a matter of judicial economy and to yield consistent application of immunities or other defenses to production of relevant documents. G4S recognizes, as argued by the ACLU, that the standards for FOIA records production are not identical to civil discovery. But that argument misses the mark. If an assertion of a privilege, defense or immunity is (or has been) raised by ICE, the applicability of that privilege, defense or immunity may apply equally to documents requested by the ACLU in the Ramos Action. As already submitted by G4S, the basis of the motion is to address the common question of fact and law specific whether “*the U.S. Department of Homeland Security, Immigration and Customs Enforcement agency asserts any privilege, defense or immunity to the G4S contracts, or other evidence in the FOIA case, that should be followed in the Ramos Action.*” (Docket #37, 2:23-26).

The federal defendant in the FOIA Action opposed the motion with citation to a case that, unlike the present motion, involved no apparent conservation of judicial resources:

“[A]lthough the three cases all share a common issue regarding the reasonableness of a license proposal, further examination of the pleadings in light of the relevant legal standard shows that resolution of this issue is dependent of a multitude of case-specific facts and issues. **Consequently, it does not appear that relating these cases would likely conserve judicial resources and promote their efficient determination.**

Likewise, it does not appear that there will be an unduly burdensome duplication of

labor and expense or conflicting results if the cases are conducted before different judges.” (*Ess Tech. v. Pc-Tel* (N.D.Cal. Nov. 27, 2001, No. C-99-20292 RMW) 2001 U.S.Dist.LEXIS 26350, at \*16.)

Here, all parties recognize and conceded the extensive effort already invested by the Honorable Laurel Beeler in the FOIA Action, which provides sufficient grounds to relate the matters.

### III. CONCLUSION

As set forth above the *ACLU v U.S. Department of Homeland Security, Immigration and Customs Enforcement* action is related to *Ramos v. G4S Secure Solutions* Case No. 3:19-cv-2757 and benefits from Judge Beeler’s prior extended handling.

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